

Translation

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PATENT COOPERATION TREATY

PCT/DE2003/004218



PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/540054

Applicant's or agent's file reference D7300448WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/004218	International filing date (day/month/year) 19 December 2003 (19.12.2003)	Priority date (day/month/year) 06 January 2003 (06.01.2003)
International Patent Classification (IPC) or national classification and IPC H04L 12/28		
Applicant PHILIPS SEMICONDUCTORS DRESDEN AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 August 2004 (05.08.2004)	Date of completion of this report 17 March 2005 (17.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/004218

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____, 1, 3-9 _____, as originally filed
 pages _____, filed with the demand
 pages _____, 2, 2a _____, filed with the letter of _____ 12 January 2005 (12.01.2005)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, 1-18 _____, filed with the letter of _____ 12 January 2005 (12.01.2005)
- ☒ the drawings:
 pages _____, 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/04218

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

This report refers to the following document (D1):

D1: XP002206839, "IEEE standard for information technology - telecommunications and information exchange between systems - local and metropolitan area networks - specific requirement. Part 11: wireless LAN medium access control (MAC) and physical layer specification." ISO/IEC 8802-11, ANSI/IEEE Std 802.11-1999) 20 August 1999

1. The present international application pertains to a "method and a communication device for data transmission in wireless local area networks" according to the preamble of independent claims 1 and 13, respectively, wherein the range of the data transmission rates is expanded.

2. International search report citation D1 is considered to be the prior art under PCT Rule 64.1 that is closest to the subject matter of independent claims 1 and 13.

D1 likewise describes a method of transmitting data in wireless local area networks. To set up the data transmission, one communicant sends to the other communicant an information element consisting of element identification part, length indication part and information part, the element identification part having a value range that is standardized for both communicants according to a data transmission standard stipulating that the information part contains data transmission rates permissible within a defined maximum range.

3. The disadvantage of this known method consists in the fact that if the defined maximum range is exceeded (if the first communicant supports multiple transmission rates), this results in incompatibility with the second communicant, who supports only the maximum range of data transmission rates provided for.
4. The technical problem addressed by the present international application is to expand the range of data transmission rates in such a way that the interoperability between communicants of different data transmission standards can be assured.
5. According to the invention, this technical problem is solved by the features of independent claims 1 and 13 in such a way that the range of data transmission rates is broken up into a plurality of ranges according to definite data transmission standards. Corresponding to each range of the data transmission ranges according to a defined data transmission standard is a specific value of the element identification part.

6. The claimed solution has the advantage that a communicant working according to only one data transmission standard receives only the information elements for setting up the data transmission according to the data transmission standard supported, which has a specific value of the element identification part.
7. The invention's definition of the "method and communication device" as stipulated in the features of the characterizing parts of claim 1 and claim 13, respectively, is neither disclosed nor suggested by the prior art:
 - 7.1 The indicated document D1 offers nothing that would lead a person skilled in the art to a solution according to claim 1 or claim 13 with an additional value of the element identification part for realizing an expansion of the range of data transmission rates.
 - 7.2 The subject matter of the present application is not disclosed or suggested by the other document cited in the international search report (WO 02/17572), for in relation to the present invention this document represents no more than very general background art.
 - 7.3 The other international search report citation (WO 02/17572) was not published until after the claimed priority date.
8. Claims 1 and 13 therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty

and inventive step.

9. Dependent claims 2 to 12 and 14 to 18, all directly or indirectly dependent on claim 1 and claim 13, respectively, also meet the requirements of PCT Article 33(2) and (3) with regard to novelty and inventive step.
10. The present invention obviously also has industrial applicability (PCT Article 33(4)).

Further observations

1. The present international applications does not meet the requirements of PCT Rule 11.13(1) because reference signs "19" and "20" appear in the description but not in any of the figures.